

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ANTHONY VINCE NAIL SPA, INC. §  
§  
Plaintiff, §  
§  
v. § Case No. 4:19-cv-01449  
§  
PALACE & NAILS BAR, LLC §  
d/b/a PALACE NAILS BAR §  
and TRI HO §  
§  
Defendant. §

**ORIGINAL ANSWER AND AFFIRMATIVE DEFENSES OF**  
**DEFENDANTS PALACE & NAILS BAR, LLC**  
**d/b/a PALACE NAILS BAR and TRI HO**

TO THE HONORABLE UNITED STATES JUDGE

Defendants Palace & Nails Bar, LLC d/b/a PALACE NAILS BAR (hereinafter referred to as "PALACE NAILS BAR") and TRI HO file this Original Answer containing its affirmative defenses and would respectfully show the Court as follows:

**AFFIRMATIVE DEFENSES**

1. PALACE NAILS BAR and TRI HO plead Estoppel, Unclean Hands, Laches, Waiver and Fraud, Failure to state a cause of action and failure to satisfy condition precedent.
2. PALACE NAILS BAR and TRI HO reserve the right to amend their Affirmative Defenses as further information is discovered.
3. PALACE NAILS BAR and TRI HO further reserve the right to amend this responsive pleading, including the filing of any counter-claims, under Rule 8 and Rule 12 of the Federal Rules of Civil Procedure.

**ORIGINAL ANSWER**

4. PALACE NAILS BAR and TRI HO admit that they have been sued under the Statutes listed alleged in paragraph 1 of the complaint. The defendants deny liability under such statutes.
5. PALACE NAILS BAR and TRI HO are without sufficient information or knowledge to admit or deny the allegations in paragraph 2 of the complaint.
6. PALACE NAILS BAR and TRI HO admit the allegations in paragraph 3 of the complaint.
7. PALACE NAILS BAR and TRI HO are without sufficient information or knowledge to admit or deny the allegations in paragraph 4 of the complaint.
8. PALACE NAILS BAR and TRI HO admits the allegations in paragraph 5, 6, 7, 8 and 9 of the complaint.
9. PALACE NAILS BAR and TRI HO admit that this Court has subject matter jurisdiction over this lawsuit as alleged in paragraphs 10, 11, 12, 13 & 14.
10. PALACE NAILS BAR and TRI HO admit that the Court has Venue and therefore admits the allegations in paragraph 15 of the complaint.
11. PALACE NAILS BAR and TRI HO are without sufficient information or knowledge to admit or deny the allegations in paragraph 16 of the complaint.
12. PALACE NAILS BAR and TRI HO are without sufficient information or knowledge to admit or deny the allegations in paragraph 17 of the complaint.
13. PALACE NAILS BAR and TRI HO are without sufficient information or knowledge to admit or deny the allegations in paragraph 18 of the complaint.

14. PALACE NAILS BAR and TRI HO are without sufficient information or knowledge to admit or deny the allegations in paragraph 19 of the complaint.
15. PALACE NAILS BAR and TRI HO are without sufficient information or knowledge to admit or deny the allegations in paragraph 20 of the complaint.
16. PALACE NAILS BAR and TRI HO are without sufficient information or knowledge to admit or deny the allegations in paragraph 21 of the complaint.
17. PALACE NAILS BAR and TRI HO are without sufficient information or knowledge to admit or deny the allegations in paragraph 22 of the complaint.
18. PALACE NAILS BAR and TRI HO are without sufficient information or knowledge to admit or deny the allegations in paragraph 23 of the complaint.
19. PALACE NAILS BAR and TRI HO are without sufficient information or knowledge to admit or deny the allegations in paragraph 24 of the complaint.
20. PALACE NAILS BAR and TRI HO are without sufficient information or knowledge to admit or deny the allegations in paragraph 25 of the complaint.
21. PALACE NAILS BAR and TRI HO are without sufficient information or knowledge to admit or deny the allegations in paragraph 26 of the complaint.
22. PALACE NAILS BAR and TRI HO are without sufficient information or knowledge to admit or deny the allegations in paragraph 27 of the complaint.
23. PALACE NAILS BAR and TRI HO are without sufficient information or knowledge to admit or deny the allegations in paragraph 28 of the complaint.
24. PALACE NAILS BAR and TRI HO are without sufficient information or knowledge to admit or deny the allegations in paragraph 29 of the complaint.

25. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 30 of the complaint.
26. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 31 of the complaint.
27. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 32 of the complaint.
28. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 33 of the complaint.
29. PALACE NAILS BAR and TRI HO are without sufficient information or knowledge to admit or deny the allegations in paragraph 34 of the complaint, to the extent that Plaintiff has waived any rights and may have given implied authorizations.
30. PALACE NAILS BAR and TRI HO are without sufficient information or knowledge to admit or deny the allegations in paragraph 35 of the complaint.
31. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 36 of the complaint.
32. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 37 of the complaint.
33. PALACE NAILS BAR and TRI HO admit the allegations in paragraph 38 of the complaint.
34. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 39 of the complaint.
35. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 40 of the complaint.

36. PALACE NAILS BAR and TRI HO state that the allegations in paragraph 41 of the complaint do not require a response and are hereby denied.
37. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 42 of the complaint.
38. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 43 of the complaint.
39. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 44 of the complaint.
40. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 45 of the complaint.
41. PALACE NAILS BAR and TRI HO state the allegations in paragraph 46 of the complaint do not require a response and are hereby denied.
42. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 47 of the complaint.
43. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 48 of the complaint.
44. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 49 of the complaint.
45. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 50 of the complaint.
46. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 51 of the complaint.

47. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 52 of the complaint.
48. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 53 of the complaint.
49. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 54 of the complaint.
50. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 55 of the complaint.
51. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 56 of the complaint.
52. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 57 of the complaint.
53. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 58 of the complaint.
54. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 59 of the complaint.
55. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 60 of the complaint.
56. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 61 of the complaint
57. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 62 of the complaint

58. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 63 of the complaint.

59. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 64 of the complaint.

60. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 65 of the complaint.

61. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 66 of the complaint.

62. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 67 of the complaint.

63. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 68 of the complaint.

64. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 69 of the complaint.

65. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 70 of the complaint.

66. PALACE NAILS BAR and TRI HO deny the allegations in paragraph 71 of the complaint.

Respectfully submitted,

**WELLBORNE LAW FIRM**

/s/ William H. Wellborne

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**Attorney for Defendants.**

**CERTIFICATE OF SERVICE**

I, William H. Wellborne, do hereby certify a true and correct copy of the foregoing instrument has been served on the following named attorney(s) in accordance with the Federal Rules of Civil Procedure, as indicated below, on the 20<sup>th</sup> day of May, 2019.

Bryan Rose  
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/s/ William H. Wellborne